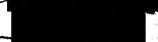


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PROBLEMS OF THE TERRITORIAL SEA

An international conference on the law of the sea--beginning on 24 February at Geneva--is being convened to draw up agreements defining numerous aspects of international law pertaining to the sea. One of the most difficult problems the conference will attempt to solve is that dealing with the width of the "territorial sea" over which a coastal state has full sovereignty. Conflicting interests over territorial waters have given rise to numerous disputes over a long period, the more recent of which have been those regarding the waters of the Soviet Union, Indonesia, Iceland, and the Gulf of Aqaba. (Secret)

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PROBLEMS OF THE TERRITORIAL SEA

The divergent claims of coastal states over their adjacent sea areas will be highlighted at the international conference on the law of the sea at Geneva beginning 24 February. The conference, under United Nations sponsorship, is being convened to draw up agreements defining numerous aspects of international law pertaining to the sea.

Representatives of about 89 countries will attend. The problem of the width of the territorial sea, over which a coastal state has full sovereignty will be one of the most difficult that the conference will attempt to solve.

The three-nautical-mile limit for the territorial sea has never enjoyed universal acceptance, and it has come under increasing attack since the end of World War II. Traditionally the principal maritime countries such as the United Kingdom, the United States, and Japan have favored the narrow three-mile limit for the area of exclusive national jurisdiction. Aligned against these maritime powers are the countries with limited maritime interests, countries desiring exclusive control over off shore marine

resource, and many of the new Afro-Asian states. Of 62 coastal states having definite policies, only about 30 restrict their claims to three miles. Several of these 30 are on the point of making wider claims.

The Soviet Union, has long claimed a 12-mile limit and has sought to close additional areas fringing its coasts. Several Soviet satellites, together with about four free world states, also claim 12 miles, and most of the Arab states, Indonesia, and possibly some other countries seem ready to concur. Many states maintain limited jurisdiction over "contiguous zones" outside their territorial seas.

In view of the growing popularity of wider claims it seems doubtful that the three-mile principle will be acceptable to the conference. The British are reported ready to offer a compromise proposal, possibly of six miles, rather than see the conference adopt a 12-mile limit or fail to come to any agreement. The Soviet bloc will doubtless attempt to exploit the differences between the three-mile advocates and the other conference members. Czechoslovakia and Afghanistan

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engineered the calling of a pre-conference meeting of some 13 "uncommitted" landlocked states, probably to influence their views on the territorial sea question and other issues, although the main interest of most of the landlocked states is in the question of access to the sea. In another meeting the Nordic countries are attempting to coordinate the positions that they will take at the conference.

Conflicting interests in respect to territorial waters have given rise to numerous disputes over a long period of time, notably those regarding the waters of the USSR, Indonesia, Iceland, and the Gulf of Aqaba.

USSR

Following Czarist precedents, the Soviet Union has formalized its claim to sovereignty over a 12-mile zone. After World War II the USSR became embroiled with Sweden and Denmark when it extended its 12-mile claim to the Baltic coast, where three- and four-mile limits had previously been recognized. It has also ^{claimed} ~~claimed~~ the waters of the Bering Sea eastward to the Bering Strait. There are also indications that the USSR regards

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the Arctic Ocean from the coast to the North Pole--particularly the Kara, Laptev, and East Siberian Seas--as within its jurisdiction.

The USSR has several times attempted without success to secure Japanese assent to closing the Sea of Japan to naval vessels of those countries not bordering on the sea. Semi-officially, the Russians have described the Sea of Okhotsk as a "great bay" surrounded by Soviet territory that should be closed to outside ships and aircraft, a view aimed particularly at Japanese fishing fleets. The latest move to exclude foreign vessels and aircraft from Far Eastern waters occurred on 21 July 1957 with the closing of Peter the Great Bay, site of the Soviet Pacific Fleet headquarters. The USSR claimed the bay was part of its internal waters on geographic, historic, economic, and security grounds. The closing of the bay has been protested by a number of free world governments.

Indonesia

The Indonesian Council of Ministers announced proposed legislation on 13 December 1957 defining all waters

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around the islands comprising
the republic as "national waters"
under Indonesian sovereignty.

Indonesia's territorial sea
would also be extended outward
12 nautical miles from straight
base lines drawn to connect the
outermost points of the islands.
This legislation would provide
the limited fleet of Indonesian
patrol vessels with a legal
basis for controlling smuggling
and unauthorized barter trade
currently plaguing the central
government. Indonesia will de-
fend its position before the
Geneva conference, and little
opposition is expected to pa-
ssage of the the legislation by
the Indonesian Parliament.

The proposed legislation con-
stitutes a radical departure
from the Dutch ordinance pro-
viding a three-mile limit around
individual islands. Large ex-
panses of water and strategic
passages such as the Java Sea,
Banda Sea, Makassar Strait,
and Sunda Strait--heretofore
considered international waters--
would become Indonesian "na-
tional waters." Several Euro-
pean governments, Australia, and
the United States have pro-
tested the move. Canada, mind-
ful of its islands in the
Arctic has refrained from

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protecting. Although the new law would guarantee passage/foreign vessels on lawful missions, the protecting states point to it as an interference with freedom of navigation on the high seas.

Iceland

In May 1958 the Icelandic Government established a zone barred to foreign fishing vessels which extends four miles seaward ~~except~~ from straight base lines drawn from outermost points of coasts, islands, and rocks and across the openings of bays. Since the coast of Iceland is quite irregular, this action resulted in the inclusion of large water areas. The straight-base-line method, differing from the method of following coastal irregularities, had been given qualified approval by the International Court of Justice in the Anglo-Norwegian fisheries case in 1951. Iceland also denounced a 1901 treaty whereby British vessels were allowed fishing rights within a three-mile zone. The Icelandic action was protested by the United Kingdom and other states, and a ban was imposed on the importation of Iceland's fish into British markets. This move was disastrous for the

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the Icelandic economy, forcing a search for alternate markets in Italy, the United States, and the USSR. No compromise was reached in the dispute until 1958 when it was agreed that specified amounts of Iceland's fish could be landed in Britain. Iceland still maintains its right to exclusive jurisdiction over its adjacent seas, and may even extend its fishing limits in the near future.

Gulf of Aqaba

The problem of the Gulf of Aqaba involves the issue of freedom of navigation in a narrow arm of the sea. Although Egypt, Saudi Arabia, and Israel to date claim a six-mile limit, this claim is of little consequence since the strategic southern entrance through the Strait of Tiran is only about four miles wide, and the northern end of the gulf bordering Israel and Jordan narrows to less than four miles. The Strait of Tiran is bordered by the Egyptian mainland and by Tiran Island, which is claimed by Saudi Arabia.

Egypt and Saudi Arabia claim that the gulf should be divided between them by a median line and the entrance

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itself is not international water, a contention made only after the founding of Israel in order to isolate the Israeli port of Eilat. The United Kingdom and the United States maintain that the gulf and its entrance are international waters. By the Egyptian-Israeli armistice of 1949, Israeli naval vessels are excluded from the gulf. Egypt and Saudi Arabia do not at present enforce their claims because United Nations forces stationed on the Strait of Tiran since March 1957 insure free passage of the gulf. Territorial rights in the waters at the head of the gulf are complicated by conflicting definitions of the Israeli-Jordan and Jordan-Saudi Arabia boundaries. (b)(1)(B)

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